

VZCZCXRO7247

PP RUEHAG RUEHAST RUEHDA RUEHDBU RUEHDF RUEHFL RUEHIK RUEHKW RUEHLA
RUEHLN RUEHLZ RUEHROV RUEHSR RUEHVK RUEHYG
DE RUEHIT #0050 0241609
ZNR UUUUU ZZH
P 241609Z JAN 07
FM AMCONSUL ISTANBUL
TO RUEHC/SECSTATE WASHDC PRIORITY 6534
INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE PRIORITY
RUEHDA/AMCONSUL ADANA PRIORITY 2286

UNCLAS ISTANBUL 000050

SIPDIS

SENSITIVE
SIPDIS

DEPARTMENT FOR EUR/SE

E.O. 12958: N/A

TAGS: [PHUM](#) [PGOV](#) [TU](#)

SUBJECT: TURKISH LEGAL SOURCES REGARDING THE ADMINISTRATION
AND CLOSING OF HALKI SEMINARY

REF: A. 06 ISTANBUL 2141

[1](#)B. 06 ISTANBUL 1302

[1](#)1. (SBU) The following information is a summary of the relevant legal sources and points associated with the administration and closing of the Ecumenical Patriarchate's Halki Seminary. Most of the information is taken from a Turkish Economic and Social Studies Foundation (TESEV) publication entitled, "Discussions and Recommendations on the Future of the Halki Seminary," published in December 2006. We have confirmed the accuracy of this information with the Patriarchate's legal advisors. For a more thorough description of the Seminary and the Ecumenical Patriarchate's associated dispute with the Government of Turkey (GOT), please see ref A. For information associated with a recent dispute resolution proposal, please see ref B.

[1](#)2. (SBU) In 1947, the Ecumenical Patriarchate applied to the GOT's Ministry of National Education (MNE) to change the curriculum of Halki Seminary to a four-year theological school, including three high school grades and one post-high school grade. The GOT rejected the proposal when it was originally requested, but when Prime Minister Menderes' Democrat Party came to power in 1950 it brought with it a more liberal approach to dealing with minorities and revived the proposal. The MNE subsequently approved the "Regulations for the Education of the School for Greek Priests of Halki" in 1951, effectively granting the Seminary a charter as a "theological school." The MNE communicated this approval to the Ecumenical Patriarchate through a letter originating from the Department of Private Schools and transmitted through the Directorate of National Education of the Province of Istanbul on October 3, 1951.

[1](#)3. (SBU) On August 29, 1952, the MNE's Education Committee approved an addendum to the 1951 Regulation, establishing that "students who came from foreign countries and had no knowledge of Turkish were (to be) admitted to the classes of the school (Halki Seminary) in accordance with the equivalent status of education in their countries." (Note: Though this doesn't directly relate to the opening of Halki Seminary, it sets an important precedent for permitting foreign students to attend the Seminary, a significant element in the current dispute with the GOT. End note.)

[1](#)4. (SBU) Law No. 625 dated June 8, 1965 concerned "Private Institutions of Higher Education" and was intended to regulate private education, in general, vice the 1951 Regulation which applied specifically to Halki Seminary. In 1971, the Constitutional Court canceled certain articles of Law No. 625 and interpreted the Law as applying specifically to post-secondary education. The Court further ruled that private institutions of higher learning must affiliate

themselves with existing public institutions or close down. The MNE Regional Director subsequently split off the high school division of Halki Seminary through a "confidential" letter dated July 9, 1971 and ordered the Seminary to concur with the Court's ruling. The high school remained open until 1984, at which time the Patriarchate closed it, claiming that GOT-imposed restrictions kept it from effectively being able to educate the student body, which as a result of these restrictions included only four students.

15. (SBU) Comment: The Ecumenical Patriarchate argues that the 1923 Lausanne Treaty guarantees its right to train clergy and that the 1951 Regulation establishes Halki Seminary as a "theological school," consequently making the Seminary a vocational school not subject to the jurisdiction of Law No. 625 or the associated 1971 Constitutional Court ruling. The GOT claims that because the Seminary's curriculum included one year of post-secondary education, it does fall under the authority of Law No. 625 and therefore must comply with the 1971 Constitutional Court ruling. End comment.
JONES